

#24

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Glaser et al.

Application No.: 10/089,277
PCT/EP01/00580

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Intl. Filing Date: January 19, 2001

Attorney Docket: 313525600003

For: **DEVICE FOR DETECTING
CHANGES IN THE DENSITY OF A
MEDIUM**

**PETITION UNDER 37 C.F.R. 1.47(A)
FOR UNCOOPERATIVE INVENTOR STERGIOPOULOS**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.47(a) and MPEP 409.03(a) and (d), applicants Eckard Glaser, Mirosław Wrobel, and Janet Grassmann hereby petition the Commissioner to accept the filing of this patent application on behalf of themselves and joint inventor, Stergios Stergiopoulos, who refuses to join in the application for patent.

Applicants enclose the following in support of this Petition:

- 1) A Declaration of Lorri W. Cooper as proof of the refusal of Mr. Stergiopoulos to execute the Declaration for the application;
- 2) A Declaration signed by co-inventors Glaser, Wrobel, and Grassmann with the signature block of Mr. Stergiopoulos left blank; and
- 3) A petition fee of \$130.00, pursuant to 37 C.F.R. § 1.17(h).

10/23/2002 5NATARRD 00000150 501432 10089277
03 FC:1460 130.00 CH

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on

By: [Signature]

The Commissioner is hereby authorized to charge any additional fees that may be required for this Petition to Deposit Account No. 50-1432, reference 313525600003.

Respectfully submitted,



Lorri W. Cooper

Reg. No. 40,038

Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7097

Date: 10-14-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Glaser et al.

Application No.: 10/089,277
PCT/EP01/00580

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Intl. Filing Date: January 19, 2001

Attorney Docket: 313525600003

For: **DEVICE FOR DETECTING
CHANGES IN THE DENSITY OF A
MEDIUM**

DECLARATION OF LORRI W. COOPER

I hereby declare as follows:

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231
on October 14, 2002
By: [Signature]

1. I represent SONEM GmbH in connection with the above-referenced patent application. The application names four inventors, Eckard Glaser, Mirosław Wrobel, Janet Grassmann, and Stergios Stergiopoulos.

2. Three of the inventors, including Mr. Glaser, Mr. Wrobel, and Ms. Grassmann, have signed the Declaration, which is being submitted to the U.S. Patent and Trademark Office along with this paper. Mr. Stergiopoulos, however, who was originally involved with the invention of the subject matter of the application under a Research and Development Contract between SONEM GmbH and the Department of Defense of the Canadian Government, refuses to sign the Declaration.

3. Mr. Stergiopoulos's last known address is 124 Lawrence Avenue, East, Toronto, Ontario M4N-1S8, CANADA.

4. On July 9, 2002, my patent assistant, Ms. Pamela J. Cyngier, under my direction, mailed a copy of the Notification of Missing Requirements to SONEM GmbH's counsel, Ms.

Heinke Lange, in Hof, Germany, with instructions to obtain the signatures of the inventors on a Declaration and Assignment. A copy of the letter is enclosed in Exhibit A.

5. On information and belief, on July 23, 2002, Mr. Stergiopoulos telephoned my colleague, Stephen Scanlon, who is presently on medical leave, and informed Mr. Scanlon that he was unwilling to execute the Declaration and Assignment. Mr. Stergiopoulos's reasons for refusing to sign included his belief that SONEM did not have contractual rights to his assignment and because SONEM was bankrupt.

6. Shortly thereafter, my patent assistant, Ms. Pamela Cyngier, received a handwritten letter from Mr. Stergiopoulos, dated July 22, 2002, reiterating that Mr. Stergiopoulos was unwilling to sign the Declaration or Assignment because the Department of Defense of the Canadian Government was not included as a co-assignee. A copy of this letter is attached in Exhibit B.

7. On August 7, 2002, I sent a letter to Mr. Stergiopoulos enclosing another copy of the Declaration and Assignment for his signature. A copy of my letter is attached in Exhibit C.

8. On September 18, 2002, I placed a telephone call to Mr. Stergiopoulos and discussed with him his decision to refuse to sign the Declaration for the above-noted application. Mr. Stergiopoulos agreed that he was involved in the invention described in the application and should be included as a inventor, but refused to sign the Declaration. He stated that he had filed a similar application in the United States with one of the co-inventors, Mr. Wrobel. He also stated his belief that SONEM GmbH was bankrupt and that he believed his employer, the Department of Defense of the Canadian Government, may have rights in the invention. For these reasons, he stated that he refused to sign the Declaration.

9. On September 18, 2002, in follow up to my earlier telephone call to Mr. Stergiopoulos, I emailed Mr. Stergiopoulos a copy of the application and the Declaration. The purpose of the email was to confirm that Mr. Stergiopoulos had a complete copy of the above-noted Application and Declaration, even though he previously stated to me that he had a copy,

and to allow Mr. Stergiopoulos to forward the application to his legal department. A copy of the email is attached in Exhibit D.

10. Mr. Stergiopoulos has not, as of today, returned the executed Declaration, consistent with his statements made to me on September 18, 2002.

11. Based upon the above facts, I believe that Mr. Stergiopoulos is properly named as an inventor for the subject application, but unwilling to execute the Declaration.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code, and that such willful false testimony may jeopardize the validity of the application or any patent issuing thereon.

10/14/02
Date

Lorri W. Cooper
Lorri W. Cooper Reg. No. 40,038

Attorney for SONEM GmbH

JONES, DAY, REAVIS & POGUE

NORTH POINT • 901 LAKESIDE AVENUE

CLEVELAND, OHIO 44114-1190

TELEPHONE: 216-586-3939 • FACSIMILE: 216-579-0212

WRITER'S DIRECT NUMBER:

216-586-1133

pcyngier@jonesday.com

941063:pjc
313525-600003

July 9, 2002

VIA FACSIMILE & FED-EX
011 49 9281 45517

Heinke Lange Dipl.-Ing
Frank Mackler & Kollegen
Enoch-Widman-Str 3-5
95028 Hof GERMANY

Re: United States Patent Application Serial No. 10/089277
Entitled: Device and Method for Detecting Changes in the
Density of a Medium

Dear Ms. Lange:

The purpose of this letter is to advise you that we have received a Notification of Missing Requirements for the subject application (copy enclosed). As you will see, we are now required to submit a declaration. Enclosed is the required declaration. Please have all inventors sign and date this declaration and return to my attention.

Additionally, enclosed is an assignment for the inventors signatures. Please also have all inventors sign and date the assignment, with two witnesses for each inventors' signature.

The deadline to file the declaration is August 14, 2002. Please ensure that these documents are returned to me no later than August 1, 2002.

If you have any questions, please contact Cal Griffith or me.

Very truly yours,



Pamela J. Cyngier
Patent and Trademark Assistant

Enclosures

cc: Calvin P. Griffith, Esq.
Lorri W. Cooper, Esq.

CL-690460v1

I hereby certify that this correspondence
is being deposited today with the United
States Postal Service as first class mail in
an envelope addressed to: Commissioner for
Patents, Washington, D.C. 20231

On July 9, 2002
By: [Signature]



DRDC Toronto
1133 Sheppard Avenue West
P.O. Box 2000
Toronto, Ontario
M3M 3B9

www.toronto.drdc-rddc.gc.ca

22 July 2002

To: JONES, DAY, REAVIS and ROGUE

Attn: Pamela Gyngier

Re: U.S. Patent Application # 10/089-277

Dear Ms. Gyngier;

Please be advised that as a Defence Scientist at the DRDC (Canada) I would not be able to sign this patent application as co-inventor, because my Institute is not included as co-assignee. Finally, our understanding is that the assignee (SONEM) does not exist anymore.

Sincerely

S. STERGIPOULOS

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20227
On 22 July 2002
By: [Signature]

BEST AVAILABLE COPY

Canada

DEFENCE



DÉFENSE

L

JONES, DAY, REAVIS & POGUE

NORTH POINT • 901 LAKESIDE AVENUE

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TELEPHONE: 216-586-3939 • FACSIMILE: 216-579-0212

WRITER'S DIRECT NUMBER:

216-586-7097

lcooper@jonesday.com

002834:pjc
313525-600003

August 7, 2002

VIA FED-EX

Stergios Stergiopoulos
Defence Research and Development Canada
DRDC Toronto
1133 Sheppard Avenue West
P.O. Box 2000
Toronto, Ontario M3M 3B9 CANADA

Re: United States Patent Application Serial No. 10/089277
Entitled: Device and Method for Detecting Changes in the Density of a
Medium

Dear Mr. Stergiopoulos:

Enclosed are a Declaration and Assignment for your signature. Please sign and date these two forms and return to my attention.

If you have any questions, please contact me.

Very truly yours,

Lorri W. Cooper/pjc

Lorri W. Cooper

Enclosures

cc: Ms. Pamela J. Cyngier

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is being deposited today with the United
States Postal Service as first class mail in
an envelope addressed to: Commissioner for
Patents, Washington, D.C. 20231

on


By: *Dan McDonald*

CLI-1003701v1

 **Lorri W Cooper**

Extension 6-7097

09/18/02 02:43 PM

To: "Stergiopoulos, Stergios" <Stergios.Stergiopoulos@drdc-rddc.gc.ca>
cc: Trudy.Krzyzanowski@drdc-rddc.gc.ca
Subject: RE: US Patent Application 10/089277 

Mr. Stergiopoulos,

I have attached a copy of the Application at issue and the Declaration for which we need your signature.

Thank You.



Netsc328.pdf



Netsc329.pdf

Lorri W. Cooper
Jones, Day, Reavis & Pogue
North Point -- 901 Lakeside Ave.
Cleveland, OH 44114

Phone: 216-586-7097

Fax: 216-579-0212

Not Admitted in OH;
Admitted in NY, CT, & DC

"Stergiopoulos, Stergios" <Stergios.Stergiopoulos@drdc-rddc.gc.ca>

I hereby certify that this correspondence
is being deposited today with the United
States Postal Service as first class mail in
an envelope addressed to: Commissioner for
Patents, Washington, DC 20591
on October 16, 2002

By: 



"Stergiopoulos, Stergios"
<Stergios.Stergiopoulos@
drdc-rddc.gc.ca>

To: "Lorri W Cooper" <lwcooper@JonesDay.com>
cc:
Subject: RE: US Patent Application 10/089277

09/18/02 12:22 PM

Ms. Cooper;

Please send all the documents to Mr. Kelly, including a copy with the technical description of the patent application. I already have a copy of the Declaration and Assignment for my signatures. Therefore, there is no need to send me another copy.

The address of Mr. Kelly is:

Mr. Harold Kelly
Directorate Business Development Office 6
National Defence Headquarters
Ottawa, Ontario K1A 0K2

Tel: (613) 992-9406

Thanks
Stergios